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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,424	09/28/2001	Kari M. Maki	FORSAL-25	6386
20455	7590	10/27/2003	EXAMINER	
LATHROP & CLARK LLP 740 REGENT STREET SUITE 400 P.O. BOX 1507 MADISON, WI 537011507			NGUYEN, TAN D	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/966,424	MAKI, KARI M. 
Examiner	Art Unit	
Tan Dean Nguyen	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 January 2002.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Information Disclosure Statement

The prior art statement filed 1/14/02 has been received and recorded.

Claim Rejections - 35 USC § 112

1. Claims 1-11, 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "such as" on line 1 and "the like" on line 2 renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). 

In claim 1, it's not clear the relationship between the information of the 1st step (gathering) and 3rd step (collecting). Are these the same information or different information. It appears from claim 19, steps 3 and 4, "inputting said gathered information" and "sending said input gathered information" that these are the same information. Correction of the claim 1 language to that of claim 19 is recommended to improve clarity.

Claim 1 calls for "a method for arranging the maintenance of a production plant"  but nowhere in the body of the claim showing how to arrange the maintenance of the production plant.

In claims 1 & 19, it's not clear how the 4th step of "sending the collected information from the production plant to a remote service unit" is carried out? It appears 

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from the subsequent steps that "Internet" is used, therefore insertion of "by or through the Internet" in the claim is recommended to improve clarity.

2. ~~Claims 12-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.~~

~~Claim 12 is partially written in inactive/passive state "information is transferred to a service system server and further includes a service unit" and "said service unit is established a secured communications connection comprising" are vague and indefinite. Converting the phrases to active/positive statements are recommended to improve clarity and overcome the rejections.~~

~~Claim 12 calls for "a system for arranging the maintenance of a production plant" but nowhere in the body of the claim showing how to arrange the maintenance of the production plant.~~

~~On claim 18, the phrase "the system of any claim 12" is vague.~~

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-11, 19, 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 822 473 in view of MOTOYAMA (US Patent 5,909,493) or further in view of EP 0 825 506.

As for claim 1, in a remote method and apparatus for maintenance process, EP 0 822 473 fairly discloses a method for servicing a production plant (industrial and manufacturing apparatus such as semiconductor device) comprising the steps of:

a) gathering information related to the manufacturing processes and machinery equipments (106) of a production plant (102, 103, 104) by means of at least one information system and/or measurement unit and/or production control unit (equipments 106);

b) connecting a service system server (host computer 107 which inherently contains a file server) to a local information network (106, 109) of the production plant;

c) collecting informations from different systems (#106) of the production plant to the service system server (107);

d) sending the collected information from the production plant to a remote service unit (vendor unit) (108) wherein the information submitted from the production plant is collected and analyzed (Figs. 3-5),

f) isolating the information network of the service unit from the Internet by a firewall;

g) and transferring the information bi-directionally via the firewall between the production plant and the information network of the service unit in a secured format (Fig. 1, Fig. 2, col. 3, lines 4-58, col. 4, lines 3-48, col. 7, lines 22-26).

As for the limitation of the type of the production plant using the term "such as" and "the like", this carries no patentable weight for the reason set forth in the 112 rejection above. Alternatively, the application of the teachings of EP 0 822 473 to other similar manufacturing plant such as paper mill, board mill, etc., would have been obvious as mere applying similar teachings to similar industry to obtain similar results. Alternatively, the use of file server instead of peer-to-peer server or computer handle other information from other sources would have been obvious as using a highly special computer with larger storage to serve other computers using the network. Therefore, EP 0 822 473 discloses the claimed invention except for isolating the internal information network of the production plant from the Internet by a firewall.

MOTOYAMA is cited to teach well known step or means for additional security measure used in connecting a computer network to the Internet a protective device known as firewall to allow only authorized computers/users to access a network or other computer via the Internet (see fire wall 14, fire wall 50, fire wall 40) (see Fig. 1, col. 4, lines 15-25). It would have been obvious to modify the process of EP 0 822 473 by providing a firewall to isolate the internal information network of the production plant from the Internet to provide additional security measure as taught by MOTOYAMA above.

In a similar method and apparatus for remote process control, EP 0 825 506 discloses the use of a central information service system server (20) for collecting information from local information systems (measurement units, sensing devices, etc) (19a-19e) and responsible for establishing communications over the Internet network

with remote service unit (col. 3, lines 40-50, col. 4, lines 15-55). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the process of EP 0 822 473/MOTOYAMA to include a central information service system server for collecting local information network of the production plant as taught by EP 0 825 506 for establishing communications over the network.

As for claim 2, MOTOYAMA discloses the network (16) within the confines of firewall 14 prior to connecting to the Internet (10), therefore the disclosure of a similar setup of a firewall connected between the Internet and the system service server would have been obvious to avoid unauthorized access to the server from the Internet network. As for claim 3, the treating and processing of data are fairly taught in EP 0 822 473 Fig. 3, col. 5, lines 5-30. As for claim 4, the general limitation of securing the network using well known means such as password, ID addresses, or ID codes is fairly taught by EP 0 822 473 on col. 7, lines 23-35 or would have been obvious to an artisan. As for claim 5, this is inherently in the process of EP 0 822 473 wherein the host computer (108) is in the vendor's area which is normally remote from the manufacturing plant (see abstract, col. 6, lines 15-30, Fig. 4). As for claim 6, Fig. 1 discloses several factories, 102, 103, 104. As for claim 7, this is inherently included in the system of EP 0 822 473/MOTOYAMA when the information is sent between the systems in a standard format. As for claim 8, the analysis step is taught in EP 0 822 473 Fig. 2, 3, 5.

As for claims 9-10, the recommendation step is taught on Figs. 3-5 of EP 0 822 473. As for claim 11, the transfer of data signals are inherently included and taught in EP 0 822 473 col. 3 lines 5-55 or digital data processors 12, 14 of Fig. 1.

As for claim 19, the application of the teachings of EP 0 822 473 to other similar or equivalent manufacturing plant such as paper mill, board mill, etc., would have been obvious as mere applying similar teachings to similar industry to obtain similar or equivalent results.

As for apparatus claim 12, it is rejected for the equivalent system for arranging the maintenance of a production plant as shown in claim 1 or 19 above. The teaching of the service unit comprising a data analysis and data bank are shown on Figs. 3, 4, 5. As for claims 13-16, they are rejected for the same reasons set forth in claims 2-7 above. As for claim 17, the general limitation of data analysis and data storage of the remote unit is taught in EP 0 822 473 as shown on cols. 4, 5, 6 and Figs. 3, 4, 5. As for claim 18, this is taught in EP 0 822 473 Fig. 5, see URL and links to list database, software library and operation guide as shown on the bottom of Fig. 5.

5. Claim 19 is rejected (2nd) under 35 U.S.C. 103(a) as being unpatentable over EP 0 822 473 in view of MOTOYAMA or EP 0 825 506 and further in view of Article 8/1996 or Article 3/2000.

The teachings of EP 0 822 473/MOTOYAMA/or EP 0 825 506 is cited above. Article 8/1996 or 3/2000 is cited to show it's well known put the paper mill on the Internet to improve communication (Article 8/1996) or remote monitoring or maintenance or more (Article 3/2000). It would have been obvious to modify the teaching of EP 0 822 473/MOTOYAMA or EP 0 825 506 by collecting information from other similar manufacturing or production plant such as pulp mill or paper mill for the benefit as cited in Article 8/1996 or Article 3/2000 above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US Patent:

1) US Patent 6,324,490 is cited to teach monitoring system and method for a fiber processing apparatus using telecommunications link, e-mail or with a remote supplier computer or system.

2. NPL:

1) Article "Fisher-Rosemount...Association Inc." is cited to teach the use of web site to allow user to see a virtual chemical plant, refiner, or pulp and paper mill.

7. Note: Please disregard the earlier non-final rejection mailed on 10/22/03.

7. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiner. As the official records and applications are located in the clerical section of the examining Tech Center, the clerical personnel can readily provide status information without contacting the examiner. See MPEP 203.08. The Tech Center clerical receptionist number is (703) 308-1113.

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or e-mail CustomerService3600@uspto.gov .

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (703) 308-2053. My work schedule is normally Monday through Friday from 7:00 am through 4:30 pm.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal communications concerning this application are (703) 872-9306. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

Other possibly helpful telephone numbers are:

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/ 8335
Fee Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Information Help Line	1-800-786-9199

dtn



DEANT. NGUYEN
PRIMARY EXAMINER